

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 2005 DEC 21 PM 1:44

REGION 8

999 18TH STREET- SUITE 300 **DENVER, CO 80202-2466** Phone 800-227-8917

http://www.epa.gov/region08

DOCKET NO.: SDWA-08-2006-0009

IN THE MATTER OF:)	
ALTA COMMUNITY PIPELINES ALTA, WYOMING	.)	FINAL ORDER
RESPONDENT)	

Pursuant to 40 C.F.R. §22.18, of EPA's Consolidated Rules of Practice, the Consent Agreement resolving this matter is hereby approved and incorporated by reference into this Final Order. The Respondents are hereby ORDERED to comply with all of the terms of the Consent Agreement, effective immediately upon receipt by Respondents of this Consent Agreement and Final Order.

cember 21, 2005

Alfred C. Smith

Regional Judicial Officer

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

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IN THE MATT	ER OF:	EPA REGION VIII
Alta Community Alta, Wyoming	Pipeline) COMBINED COMPLAINT AND REARING CLERK) CONSENT AGREEMENT
	Respondent	
) Docket No. SDWA-08-2006-0009) PWS ID #WY5600275
) _)

Complainant, United States Environmental Protection Agency, Region 8 ("Complainant" or "EPA"), and Respondent, Alta Community Pipeline ("Respondent"), by their undersigned representatives, hereby consent and agree as follows:

PRELIMINARY STATEMENT

- 1. This proceeding is subject to EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. part 22. ("Consolidated Rules of Practice") (Attachment 1). This combined complaint and consent agreement ("consent agreement") is entered into by the parties for the purpose of simultaneously commencing and concluding this matter, as authorized by 40 C.F.R. § 22.13(b), and executed pursuant to 40 C.F.R. § 22.18(b)(2) and (3).
- 2. Complainant has jurisdiction over this matter pursuant to section 1414(g)(3) of the Safe Drinking Water Act, as amended ("Act"), 42 U.S.C. § 300g-3(g)(3).
 - 3. Respondent admits the allegations contained herein in this consent agreement.
- 4. Respondent waives its right to a hearing before any tribunal, to contest any issue of law or fact set forth in this consent agreement.

- 5. This consent agreement, upon incorporation into a final order, applies to and is binding upon EPA and upon Respondent, and Respondent's officers, directors, employees, agents, successors and assigns. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall not alter Respondent's responsibilities under this agreement.
 - 6. This consent agreement contains all terms of the settlement agreed to by the parties.
- 7. Respondent is an unincorporated non-profit association and therefore a "person" within the meaning of section 1401(12) of the Act, 42 U.S.C. § 300f(12) and 40 C.F.R. § 141.2.
- 8. Respondent owns and/or operates a system, the Alta Community Pipeline Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
- 9. The Alta Community Pipeline Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- 10. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
- 11. The System is supplied solely by a ground water source consisting of a spring located on US Forest Service land approximately 3 miles from the community. The system provides water to approximately 51 year-round residents through 17 service connections.

- 12. On September 23, 2003, EPA issued an Administrative Order ("Order")

 (Docket No. SDWA-08-2003-0058) to Respondent pursuant to section 1414(g)(1) of the Act,

 42 U.S.C. § 300g-3(g)(1), citing violations of the National Primary Drinking Water Regulations

 ("NPDWRs") (40 C.F.R. part 141). A copy of the Order is attached to this consent agreement and incorporated herein (Complainant's Attachment 2).
- 13. The Order required Respondent, among other things, to achieve compliance with the NPDWRs that Complainant found Respondent violated.
- 14. On November 12, 2003, EPA issued an Amended Administrative Order ("Amended Order") (Docket No. SDWA-08-2003-0058) to Respondent pursuant to section 1414(g)(1) of the Act, 42 U.S.C. § 300g-3(g)(1), citing violations of the National Primary Drinking Water Regulations ("NPDWRs") (40 C.F.R. part 141). Paragraph 2 of the "Order" section, which clarified that Respondent was required to monitor for lead and copper between June 1 and September 30, 2004, was the only modification EPA made to the Order. A copy of the Amended Order is attached to this consent agreement and incorporated herein (Complainant's Attachment 3).
- 15. On February 28, 2005, Complainant sent Respondent a "Violation of Administrative Order" letter citing Respondent's failure to comply with the Amended Order and the NPDWRs. (Complainant's Attachment 4).

VIOLATIONS

Count I Failure to Monitor for Lead and Copper

16. 40 C.F.R. § 141.86(d)(4)(iv) requires community and nontransient, non-community water systems to conduct the lead and copper tap water sampling during the months of June, July,

August, or September during each three year monitoring period for lead and copper after performing annual monitoring for three years.

- 17. Page 6, paragraph 2 of the "Order" section of the Amended Order required Respondent, between June 1 and September 30, 2004, and triennially thereafter (between June 1 and September 30, 2007), to monitor the water for lead and copper as required by 40 C.F.R. § 141.86. The paragraph also required Respondent to report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
- 18. Respondent failed to monitor for lead and copper between June 1 and September 30, 2004, in violation of the Amended Order and 40 C.F.R. §§ 141.86 and 141.90(a).

Count II Failure to Monitor for Total Coliform Bacteria

- 19. 40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor the water at least once per month to determine compliance with the maximum contaminant level ("MCL") for total coliform bacteria as stated in 40 C.F.R. § 141.63.
- 20. Pages 7-8, paragraph 5 of the "Order" section of the Amended Order required Respondent to comply with the total coliform monitoring requirements of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. The paragraph also required Respondent to report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by

21. Respondent failed to monitor the System's water for total coliform bacteria during December, 2004 and June and September, 2005, in violation of the Amended Order and 40 C.F.R. §§ 141.21(a) and 141.31(a).

Count III Failure to Notify the Public of NPDWRs Violations

- 22. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any NPDWR violations.
- 23. Pages 8-9, paragraph 6 of the "Order" section of the Amended Order required Respondent, within thirty (30) days after the effective date of the Order, to provide a public notice for the violations specified in the Amended Order and to comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation and submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).
- 24. Respondent failed to provide notice to the public of the violations identified in the Amended Order and the violations referenced in the counts set forth above and failed to submit a copy of the public notice to EPA, in violation of the Amended Order and 40 C.F.R. §§ 141.201 and 141.31(d).

Count IV Failure to Report Noncompliance with NPDWRs to EPA

25. 40 C.F.R. § 141.31(b) requires that except where a different period is specified by 40 C.F.R. part 141, public water systems shall report any failure to comply with the NPDWRs (40 C.F.R. part 141) to EPA within 48 hours.

- 26. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the monitoring violation to EPA within ten days after the system discovers the violation.
- 27. Page 9, paragraph 7 of the "Order" section of the Amended Order required Respondent to comply with 40 C.F.R. § 141.21(g)(2) by reporting to EPA any failure to comply with coliform monitoring requirements within 10 days after the system discovers the violation.
- 28. Page 9, paragraph 8 of the "Order" section of the Amended Order required Respondent to comply with 40 C.F.R. § 141.31(b) by reporting to EPA any failure to comply with any NPDWR (40 C.F.R. part 141) within 48 hours.
- 29. Respondent failed to report to EPA instances of noncompliance detailed in Counts I, II and III, as set forth above, in violation of the Amended Order and 40 C.F.R. §§ 141.21(g)(2) and 141.31(b).

TERMS AND CONDITIONS

30. Pursuant to section 1414(g)(3) of the Act, 42 U.S.C. § 300g-3(g)(3), and based on the nature of the violations and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is the amount of One Thousand Two Hundred and Fifty Dollars (\$1,250).

31. Respondent consents and agrees that not more than thirty (30) days after Respondent's receipt of a signed final order in this matter, Respondent shall pay a civil penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250) by remitting a cashier's or certified check for that amount, payable to "Treasurer, United States of America," to:

Mellon Bank EPA Region 8 (Regional Hearing Clerk) P.O. Box 360859M Pittsburgh, PA 15251-6859

The checks shall reference the name and address of Respondent's facility and the EPA docket number of this action. A copy of the checks shall be sent simultaneously to:

Michelle Marcu and Enforcement Attorney U.S. EPA Region 8 (8ENF-L) 999 18th Street, Suite 300 Denver, Colorado 80202-2466 Tina Artemis
Region 8 Hearing Clerk
U.S. EPA Region 8 (8RC)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

- 32. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on a civil or stipulated penalty if the penalty is not paid when due. Interest will be assessed at the current value of funds due to the United States Treasury. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorneys fees. In addition, a penalty charge of six (6) percent per year compounded annually will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due. Any such penalty charge on the debt will accrue from the date the penalty payment becomes due and is not paid. 40 C.F.R. § 13.11.
- 33. Nothing in this consent agreement shall relieve Respondent of its obligation to comply with the Act and its implementing regulations.

- 34. Failure by Respondent to comply with any of the terms of this consent agreement shall constitute a breach of the agreement and may result in referral of the matter to the Department of Justice for enforcement of this agreement and for such other relief as may be appropriate.
- 35. Nothing in this consent agreement shall be construed as a waiver by EPA of its authority to seek costs or any appropriate penalty associated with any collection action instituted as a result of Respondent's failure to perform pursuant to the terms of this agreement.
- 36. Each undersigned representative of the parties to this agreement certifies that she is fully authorized by the party represented to bind the parties to the terms and conditions of this consent agreement and to execute and legally bind that party to this consent agreement.
- 37. The parties agree to submit this consent agreement to the Regional Judicial Officer, with a request that it be incorporated into a final order.
- 38. Each party shall bear its own costs and attorneys fees in connection with all issues associated with this consent agreement.

This consent agreement, upon incorporation into a final order by the Regional Judicial 39. Officer and full satisfaction by the parties, shall be a complete, full and final settlement of the violations contained in this consent agreement. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8 Complainant. Date: 12/20/2005 Carol Rushin Assistant Regional Administrator Office of Enforcement, Compliance and Environmental Justice Date: 12/21/05 Michelle D. Marcu **Enforcement Attorney** Legal Enforcement Program U.S. EPA Region 8 999 18th Street, Suite 300 Denver, Colorado 80202-2466 Telephone Number: (303) 312-6921

Date:

Barrie Christensen, President Alta Community Pipeline

2002

This consent agreement, upon incorporation into a final order by the Regional Judicial 39. Officer and full satisfaction by the parties, shall be a complete, full and final settlement of the violations contained in this consent agreement. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 8 Complainant.

Date:

Carol Rushin Assistant Regional Administrator Office of Enforcement, Compliance and Environmental Justice

Date:

Michelle D. Marcu Enforcement Attorney Legal Enforcement Program U.S. EPA Region 8 999 18th Street, Suite 300 Denver, Colorado 80202-2466 Telephone Number: (303) 312-6921

Date: 12-21-05

Barrie Christensen, President Alta Community Pipeline

CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **COMBINED COMPLAINT AND CONSENT AGREEMENT/FINAL ORDER** in the matter of **ALTA COMMUNITY PIPELINE, DOCKET NO.: SDWA-08-2006-0009** was filed with the Regional Hearing Clerk on December 21, 2005.

Further, the undersigned certifies that a true and correct copy of the document was delivered to Michelle Marcu, Enforcement Attorney, U.S. EPA - Region 8, 999 18th Street - Suite 300, CO 80202-2466. True and correct copies of the aforementioned document was placed in the United States mail certified/return receipt on December 21, 2005, to:

Barrie Christensen, President Alta Community Pipeline 350 W. Alta Road Alta, WY 83414

December 21, 2005

Tina Artemis

Regional Hearing Clerk

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termination subsequently made, in accordance with §21.5, on any such stateministrator for review. The Regional Administrator shall notify the State, the applicant, and the SBA of any deshall also be sent to the Regional Ad-

shall withdraw the approval of the the Regional Administrator, (i) If within 60 days after notice of the State has not taken corrective efforts, and if the deficiencies significantly affect the conduct of the proafter sufficient notice has been provided to the Regional Director of SBA, such deficiencies has been provided, State program.

(ii) Any State whose program is withdrawn and whose deficiencies have been corrected may later reapply as provided in §21.12(a).

(g) Funds appropriated under section of the Act may be utilized by a State agency authorized to receive such funds in conducting this program.

thority to enforce applicable stand-§21.13 Effect of certification upon au-

in the application. The certification in a State of its authority to take appropriate enforcement action against the specified by an applicable standard or erly, or will be applied to process wastes which are the same as described no way constitutes a waiver by EPA or owner or operator of such facilities for The certification by EPA or a State stitutes a determination by EPA or the State that the facilities certified (a) be constructed within the time (b) will be constructed and installed in accordance with the plans and specifleations submitted in the application, will be operated and maintained propfor SBA Loan purposes in no way conviolations of an applicable standard.

OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REV-OCATION/TERMINATION OR SUS-22—CONSOLIDATED PENSION OF PERMITS

Subpart A—General

Sec. 22.1 Scope of this part.

Use of number and gender. 2 2

Definitions.

mental Appeals Board, Regional Judicial Officer and Presiding Officer; disquals 22.4 Powers and duties of the Environfication, withdrawal, and reassignment.

22.5 Filling, service, and form of all filed confidentiality documents; business claims. 22.6 Filing and service of rulings, orders and decisions.

22.7 Computation and extension of time. Ex parte discussion of proceeding 22.9 Examination of documents filled.

Subpart B—Parties and Appearances

22.10 Appearances.

Intervention and non-party briefs. 22.12 Consolidation and severance.

Subpart C—Prehearing Procedures

22.13 Commencement of a proceeding.

Complaint.

Answer to the complaint.

22.16 Motions. Default. settlement; alternative dispute resolution. 22.18 Quick resolution;

22.19 Prehearing information exchange; prehearing conference; other discovery.

22.20 Accelerated decision; decision to dis-

Subpart D—Hearing Procedures

Officer of Presiding scheduling the hearing. Assignment 22.21

Evidence. 22.22

suasion; preponderance of the evidence 22.24 Burden of presentation; burden of per-Objections and offers of proof. standard.

22.25 Filing the transcript. 22.26 Proposed findings, conclusions, and

Subpart E-Initial Decision and Motion to Reopen a Hearing

22.28 Motion to reopen a hearing Initial decision. 22.27

Subpart F—Appeals and Administrative Review

22.29 Appeal from or review of interlocutory 22.30 Appeal from or review of initial deciorders or rulings.

Subpart G—Final Order

Final order. 22.31

Motion to reconsider a final order.

Environmental Protection Agency

Subpart H—Supplemental Rules

ministrative assessment of civil pen-Reserved] alties under the Clean Air Act.

Supplemental rules governing the administrative assessment of civil penalties under the Federal Insecticide, Funricide, and Rodenticide Act.

E.M. [Reserved]

istrative proceedings under the Solid Ex Supplemental rules governing admin-Waste Disposal Act.

erning the administrative assessment of 138 Supplemental rules of practice govcivil penalties under the Clean Water

ministrative assessment of civil penalties under section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 239 Supplemental rules governing the adas amended.

2.40 [Reserved]

ministrative assessment of civil penalties under Title II of the Toxic Substance Control Act, enacted as section 2 of the Asbestos Hazard Emergency Re-241 Supplemental rules governing the adsponse Act (AHERA).

issued to owners or operators of public water systems under part B of the Safe 22.42 Supplemental rules governing the administrative assessment of civil penalties for violations of compliance orders Drinking Water Act.

2.43 Supplemental rules governing the administrative assessment of civil penalties against a federal agency under the Safe Drinking Water Act.

section 402(a) of the Clean Water Act or under section 3008(a)(3) of the Resource erning the termination of permits under 2.44 Supplemental rules of practice gov-Conservation and Recovery Act.

22.45 Supplemental rules governing public notice and comment in proceedings under sections 309(g) and 311(b)(6)(B)(ii) of the Clean Water Act and section 1423(c) of the Safe Drinking Water Act.

22.46-22.49 [Reserved]

Subpart I—Administrative Proceedings Not Governed by Section 554 of the Administrative Procedure Act

Z.50 Scope of this subpart. Presiding Officer.

2.52 Information exchange and discovery.

AUTHORITY: 7 U.S.C. 136(1); 15 U.S.C. 2615; 33 U.S.C. 1319, 1342, 1361, 1415 and 1418; 42 U.S.C. 200g-3(g), 6912, 6925, 6928, 6991e and 69924; 42 U.S.C. 7413(d), 7524(c), 7545(d), 7547, 7691 and 7607(a), 9609, and 11045

SOURCE: 64 FR 40176, July 23, 1999, unless otherwise noted.

Subpart A—General

§ 22.1 Scope of this part.

(a) These Consolidated Rules of Practice govern all administrative adju-

trative civil penalty under section 14(a) (1) The assessment of any adminisof the Federal Insecticide, Fungicide, dicatory proceedings for:

and Rodenticide Act as amended (7 U.S.C. 1361(a));

trative civil penalty under sections 113(d), 205(c), 211(d) and 213(d) of the Clean Air Act, as amended (42 U.S.C. 7413(d), 7524(c), 7545(d) and 7547(d)); (2) The assessment of any adminis-

tection, Research, and Sanctuaries Act tion or suspension of any permit under section 105(a) and (f) of the Marine Pro-(3) The assessment of any administrative civil penalty or for the revocaas amended (33 U.S.C. 1415(a) and (f));

under sections 3008, 9006, and 11005 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6925(d), 6925(e), 6928 6991e, and 6992d)), except as provided in tion order, the termination of a permit pension or revocation of authority to the assessment of any civil penalty (4) The issuance of a compliance pursuant to section 3008(a)(3), the susoperate pursuant to section 3005(e), or order or the issuance of a corrective acpart 24 of this chapter;

trative civil penalty under sections 16(a) and 207 of the Toxic Substances (5) The assessment of any adminis-Control Act (15 U.S.C. 2615(a) and 2647)

311(b)(6), or termination of any permit issued pursuant to section 402(a) of the Clean Water Act, as amended (33 U.S.C. under sections 309(g) and (6) The assessment of any Class II 1319(g), 1321(b)(6), and 1342(a)); penalty

(7) The assessment of any administrative civil penalty under section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9609);

munity Right-To-Know Act of 1986 trative civil penalty under section 325 (8) The assessment of any adminisof the Emergency Planning and Com-

trative civil penalty under sections ("EPCRA") (42 U.S.C. 11045); (9) The assessment of any adminis-



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

SEP 2 3 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Alta Community Pipeline c/o Barrie Christensen, President 350 W. Alta Road Alta, WY 83414

Re: Administrative Order
Docket No. SDWA-08-2003-0058
PWS ID #WY5600275

Dear Mr. Christensen:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that the Alta Community Pipeline Water System (System) is a public water supplier as defined by the SDWA and that the owner of the system has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.24(f), 141.86(d)(4)(iv), 141.21(b), 141.21(b)(5), 141.21(a), 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for volatile organic contaminants; failure to monitor for lead and copper; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

If the System owner complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate

such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Wasco at (800) 227-8917, extension 6540, or (303) 312-6540. If you wish to have an informal conference with EPA, you may also call or write Ms. Wasco. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

Diane L. Sipe, Director

Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures Order Public Notice template

SBREFA

cc: Larry Robinson, WY DEQ Dr. Karl Musgrave, WDH



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500 DENVER, COL@RADO 80202-2466

SEP 23 2013

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners c/o Bill Paddleford, Chair P.O. Box 3594 Jackson, WY 83001

> Re: Notice of Safe Drinking Water Act Enforcement Action against Alta Community Pipeline PWS ID #5600275

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Alta Community Pipeline, Alta, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. §§ 141.24(f), 141.86(d)(4)(iv), 141.21(b), 141.21(b)(5), 141.21(a), 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for volatile organic contaminants; failure to monitor for lead and copper; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If

you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

Diane L. Sipe, Director Technical Enforcement Program Office of Enforcement, Compliance and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

03 SEP 23 PM 12: 09

IN THE MATTER OF

Alta Community Pipeline Alta, Wyoming PWS ID# WY5600275

Respondent

Proceedings under Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g)

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ADMINISTRATIVE ORDER

Docket No. SDWA-08-2003-0058

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

- 1. Alta Community Pipeline ("Respondent") is an unincorporated non-profit association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
- 2. Respondent owns and/or operates a system, the Alta Community Pipeline Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.

Alta Community Pipeline, Inc. Page 2 of 11

- 3. The Alta Community Pipeline Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- 4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
- 5. According to a October 2, 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of a spring located on US Forest Service land approximately 3 miles from the community. The system provides water to approximately 51 year-round residents through 17 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.24(f) requires that community and nontransient, non-community water systems monitor the water Alta Community Pipeline, Inc. Page 3 of 11

- annually to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61.
- 2. Respondent failed to monitor the water for volatile organic contaminants in 1999, in violation of 40 C.F.R. § 141.24(f).

II.

- 1. 40 C.F.R. § 141.86(d)(4)(iv) requires community and non-transient, non-community water systems to conduct the lead and copper tap water sampling during the months of June, July, August, or September during each three year monitoring period for lead and copper after performing annual monitoring for three years.
- 2. Respondent monitored for lead and copper in December, 2001 for the monitoring period of 1999-2001 in violation of 40 C.F.R. § 141.86(d)(4)(iv).

III.

- 40 C.F.R. § 141.21(b) requires public water systems to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample.
- 2. Respondent failed to collect a set of four repeat samples after the May 2001 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

IV.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than five routine samples per month and have one or more total coliform positive samples to collect at

Alta Community Pipeline, Inc. Page 4 of 11

least five routine samples during the next month that the system provides water to the public.

2. Respondent failed to collect at least five routine samples in June 2001 and March 2002, after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

ν.

- 1. 40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor the water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
- 2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during November and December 2002, in violation of 40 C.F.R. § 141.21(a).

VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

Alta Community Pipeline, Inc. Page 5 of 11

 Respondent has not provided public notice of the noncompliance detailed in the preceding Sections II, IV and V, in violation of 40 C.F.R. § 141.201.

VII.

- 1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within 10 days after the system discovers the violation.
- 2. Respondent failed to report to EPA instances of noncompliance detailed in Sections III through V above, in violation of 40 C.F.R. § 141.21(g)(2).

VIII.

- 1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
- 2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I, II and VI above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the volatile organic chemicals monitoring requirements as stated in 40 C.F.R. § 141.24 to determine

Alta Community Pipeline, Inc. Page 6 of 11

compliance with the MCL for volatile organic contaminants (VOCs) appearing at 40 C.F.R. § 141.61. As of 2001, EPA determined that Respondent's VOC monitoring requirement shall change from annual sampling to triennial sampling in accordance with 40 C.F.R. § 141.24(f)(6). Respondent's next sampling period for VOC analysis is between January 1, 2005, and December 31, 2007. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).

- 2. No later than September 30, 2004, and triennially thereafter (between June 1 and September 30, 2006), Respondent shall monitor the water for lead and copper as required by 40 C.F.R. § 141.86. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
- 3. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform

Alta Community Pipeline, Inc. Page 7 of 11

positive sample was taken, b) from within five service connections upstream of the original total coliform positive tap, and c) from within five service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within five service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

- 4. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least five routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
- 5. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the

Alta Community Pipeline, Inc. Page 8 of 11

monitoring period, as required by 40 C.F.R. § 141.31(a).

No later than 30 days from the effective date of this Order, Respondent shall provide a notice to the public of the violations listed in Sections II, IV and V in the Findings of Violation of this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation.

Alta Community Pipeline, Inc. Page 9 of 11

Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

- 7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within 10 days after the system discovers the violation.
- 8. Except where a different reporting period is specified in the preceding paragraphs of this section, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
- 9. Reporting requirements specified in this Order shall be provided by certified mail to:

Melanie Wasco U. S. EPA Region 8 (8ENF-T) 999 18th Street, Suite 300 Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seg., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election

Alta Community Pipeline, Inc. Page 10 of 11

by EPA to forgo any civil or criminal action otherwise authorized under the Act.

- Violation of any term of this Order instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
- 73. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

Alta Community Pipeline, Inc. Page 11 of 11

The effective date of this Order shall be the date of 4. issuance of this Order.

Issued this 33ed day of September, 2003.

Michael T. Risner, Director David J. Jank, Supervisory Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice

Diane L. Sipe, Director

Technical Enforcement Program

Office of Enforcement, Compliance and Environmental Justice

DRINKING WATER NOTICE

Monitoring requirements not met for Total Coliform, and Lead and Copper We violated a drinking water standard. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the months of May, November and December of 2002, we did not monitor for total coliform; and during June 2001 and March 2002, the 5 required additional samples were not taken; Lead and Copper were not sampled during triennial sample schedule for 1999-2001, and therefore we cannot be sure of the quality of our drinking water during that time.

What This Means

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for [it/them] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken		
Total Coliform	Monthly	No samples were taken in 5/02, 11/02 and 12/02	1 sample every month			
Total Coliform routine samples	1 month following total coliform positive sample	5 additional samples were not taken in 6/01 and 3/02	5 additional samples following the month of a total coliform positive routine sample			
Lead and Copper	5 one-liter samples taken for 1999-2001 monitoring period during June through September	Sample taken 12/01	Samples should be taken during months of June, July, August or September	Next sample is to be taken by September 30, 2003		

Steps We Are Taking [Describe corrective action.]							
				•			
For more information	, contact Lloyd Carr at t	he Alta Communit	y Pipeline .				
State Water Syster	n ID#: <u>WY5600275</u>	Date distribute	ed:				
	this information with all	the other neonle v	who drink this	s water, esp	ecially those who	may not have	

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Instructions for Monitoring Violations Annual Notice-Template 3-1

Template on Reverse

Since most monitoring violations are included in Tier 3, you must provide public notice to persons served within one year after you learn of the violation (141.204(b)). Multiple monitoring violations can be serious, and your primacy agency may have more stringent requirements. Check with your primacy agency to make sure you meet its requirements.

Community systems must use one of the following (141.204(c)):

- Hand or direct delivery
- Mail, as a separate notice or included with the bill

Non-community systems must use one of the following (141.204(c)):

- Posting in conspicuous locations
- Hand delivery
- Mail

In addition, both community and non-community systems must use *another* method reasonably calculated to reach others if they would not be reached by the first method (141.204(c)). Such methods could include newspapers, email, or delivery to community organizations. If you post the notice, it must remain posted until the violation is resolved. If the violation has been resolved, you must post the notice for at least one week (141.204(b)). If you mail, post, or hand deliver, print your notice on letterhead, if available.

The notice on the reverse is appropriate for insertion in an annual notice or the CCR, as long as public notification timing and delivery requirements are met (141.204(d)). You may need to modify the template for a notice for individual monitoring violations. This example presents violations in a table; however, you may write out an explanation for each violation if you wish. For any monitoring violation for volatile organic compounds (VOCs) or other groups, you may list the group name in the table, but you must provide the name of every chemical in the group on the notice, e.g., in a footnote.

You may need to modify the notice if you had any monitoring violations for which monitoring later showed a maximum contaminant level or other violation. In such cases, you should refer to the public notice you issued at that time.

Include in your notice the standard language for monitoring and testing procedure violations in *italics* (141.205(d)(2)). If you modify the notice, you may not alter this mandatory language.

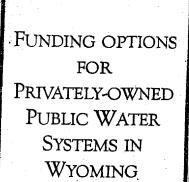
Corrective Actions

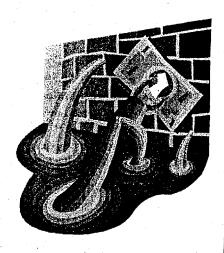
In your notice, describe corrective actions you took or are taking. Listed below are some steps commonly taken by water systems with monitoring violations. Choose the appropriate language, or develop your own:

- We have since taken the required samples, as described in the last column of the table above. The samples showed we are meeting drinking water standards.
- We have since taken the required samples, as described in the last column of the table above. The sample for [contaminant] exceeded the limit. [Describe corrective action; use information from public notice prepared for violating the limit.]
- · We plan to take the required samples soon, as described in the last column of the table above.

After Issuing the Notice

Make sure to send your primacy agency a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).





U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers: http://www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse http://www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs: (800) 368-5888

Emergency Planning and Community Right-To-Know Act (800) 424-9346

National Response Center (to report oil and hazardous substance spills) (800) 424-8802

Toxics Substances and Asbestos Information (202) 554-1404

Safe Drinking Water (800) 426-4791

Stratospheric Ozone and Refrigerants Information (800) 296-1996

Clean Air Technology Center (919) 541-0800

Wetlands Helpline (800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page http://www.epa.gov

Small Business Assistance Program http://www.epa.gov/ttn/sbap

Office of Enforcement and Compliance Assurance http://www.epa.gov/compliance

Compliance Assistance Home Page http://www.epa.gov/compliance/assistance

Office of Regulatory Enforcement http://www.epa.gov/compliance/civil/index.html

Office of Site Remediation Enforcement http://www.epa.gov/compliance/cleanup

Innovative Programs for Environmental Performance http://www.epa.gov/partners

Small Business Ombudsman www.sba.gov/ombudsman

Office of Enforcement and Compliance Assurance: http://www.epa.gov/compliance





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8 999 18TH STREET - SUITE 300 DENVER, CO 80202-2466 Phone 800-227-8917 http://www.epa.gov/region08

1 2 2003

Ref: 8ENF-W

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Alta Community Pipeline c/o Barrie Christensen, President 350 W. Alta Road Alta, WY 83414

> Amended Administrative Order Re: Docket No. SDWA-08-2003-0058 PWS ID #WY5600275

Dear Mr. Christensen:

The Environmental Protection Agency (EPA) had issued an Administrative Order (Order) under the authority of the Safe Drinking Water Act (SDWA) to Alta Community Pipeline, 42 U.S.C. Section 300f et seq., and its implementing regulations, on September 23, 2003. Among other things, the Administrative Order found that the Alta Community Pipeline Water System (System) is a public water supplier as defined by the SDWA and that the owner of the system has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.24(f), 141.86(d)(4)(iv), 141.21(b), 141.21(b)(5), 141.21(a), 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for volatile organic contaminants; failure to monitor for lead and copper; failure to collect a set of repeat samples following a total coliform positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

Enclosed you will find an Amended Administrative Order due to an error in the original Administrative Order, paragraph 2 of the Order section, regarding monitoring lead and copper as

required by 40 C.F.R. § 141.86. The Amended Administrative Order has been issued to correct this section, and to clarify that the next lead and copper samples must be taken between June 1 and September 30, 2004. All other information contained in the original Administrative Order remains the same.

If the System owner complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate up to \$27,500 per day of violation of themselves, and/or such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Melanie Wasco at the address on the information may be sent to Melanie Wasco at the address on the letterhead, include the mailcode 8ENF-W, or you may call letterhead, include the mailcode 8ENF-W, or you may also If you wish to have an informal conference with EPA, you may also all or write Ms. Wasco. If you are represented by an attorney or have legal questions, please call Michelle Jalazo at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

Diane L. Sipe, Director

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order

Public Notice template

SBREFA

Larry Robinson, WY DEQ Dr. Karl Musgrave, WDH cc:



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500 DENVER, COLORADO 80202-2466

NOV 12 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners c/o Bill Paddleford, Chair P.O. Box 3594 Jackson, WY 83001

Re: Notice of Safe Drinking Water Act Enforcement Action against Alta Community Pipeline PWS ID #5600275

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order had been issued under Section 1414 of the SDWA to Alta Community Pipeline, Alta, Wyoming, on September 23, 2003. This Order required that the public water system take measures to This Order required with the SDWA and the National Primary Drinking return to compliance with the SDWA and the National Primary Drinking return to compliance with the SDWA and the National Primary Drinking return to compliance with the SDWA and the National Primary Drinking return to COPPURS). The System is in violation of 40 C.F.R. Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. Water Regulations (NPDWRs). The System is in violation of 40 C.F.R. Water Regulations to repeat sample failure to monitor for 141.21(a), 141.21(g)(2), and 141.31(b) for: failure to monitor for 141.201, 141.21(g)(2), and 141.31(b) for: failure to monitor for lead and copper; volatile organic contaminants; failure to monitor for lead and copper; failure to collect at least five routine positive routine sample; failure to collect at least five routine samples following a total coliform positive sample; failure to monitor for total coliform bacteria; failure to provide public notice of the violations; failure to report total coliform monitoring violations to EPA within 10 days of discovering the violation; and failure to report NPDWR violations to EPA within 48 hours.

However, there was an error in the Order section paragraph 2 regarding monitoring lead and copper as required by 40 C.F.R. § 141.86. An Amended Administrative Order has been issued to correct

this section, and all other information contained in the original Administrative Order has remained the same.

A copy of the Amended Administrative Order is enclosed for your The enclosed Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Melanie Wasco at (303) 312-6540.

Sincerely,

Diane L. Sipe, Director Technical Enforcement Program Office of Enforcement, Compliance and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8

03 NOM 12 AN 8:015

IN THE MATTER OF

Alta Community Pipeline Alta, Wyoming PWS ID# WY5600275

Respondent

Proceedings under Section 1414(g) of the Safe Drinking Water Act, 42 U.S.C. § 300g-3(g)

EPA S. MON VIII HT 4 HAH GI ERK

AMENDED ADMINISTRATIVE ORDER

Docket No. SDWA-08-2003-0058

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

- 1. Alta Community Pipeline ("Respondent") is an unincorporated non-profit association and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
- 2. Respondent owns and/or operates a system, the Alta Community Pipeline Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.

Alta Community Pipeline, Inc. Page 2 of 11

- 3. The Alta Community Pipeline Water System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- 4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
- 5. According to a October 2, 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of a spring located on US Forest Service land approximately 3 miles from the community. The system provides water to approximately 51 year-round residents through 17 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.24(f) requires that community and nontransient, non-community water systems monitor the water Alta Community Pipeline, Inc. Page 3 of 11

annually to determine compliance with the MCLs for volatile organic contaminants as stated in 40 C.F.R. § 141.61.

2. Respondent failed to monitor the water for volatile organic contaminants in 1999, in violation of 40 C.F.R. § 141.24(f).

II.

- 1. 40 C.F.R. § 141.86(d)(4)(iv) requires community and non-transient, non-community water systems to conduct the lead and copper tap water sampling during the months of June, July, August, or September during each three year monitoring period for lead and copper after performing annual monitoring for three years.
- 2. Respondent monitored for lead and copper in December, 2001 for the monitoring period of 1999-2001 in violation of 40 C.F.R. § 141.86(d)(4)(iv).

III.

- 1. 40 C.F.R. § 141.21(b) requires public water systems to collect a set of four repeat samples within 24 hours of being notified of a total coliform positive routine sample.
- 2. Respondent failed to collect a set of four repeat samples after the May 2001 total coliform positive routine samples, in violation of 40 C.F.R. § 141.21(b).

IV.

1. 40 C.F.R. § 141.21(b)(5) requires public water systems that collect fewer than five routine samples per month and have one or more total coliform positive samples to collect at

Alta Community Pipeline, Inc. Page 4 of 11

least five routine samples during the next month that the system provides water to the public.

2. Respondent failed to collect at least five routine samples in June 2001 and March 2002, after a total coliform positive sample in the preceding month, in violation of 40 C.F.R. § 141.21(b)(5).

v.

- 1. 40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor the water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
- 2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during November and December 2002, in violation of 40 C.F.R. § 141.21(a).

VI.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.

Alta Community Pipeline, Inc. Page 5 of 11

2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections II, IV and V, in violation of 40 C.F.R. § 141.201.

VII.

- 1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within 10 days after the system discovers the violation.
- 2. Respondent failed to report to EPA instances of noncompliance detailed in Sections III through V above, in violation of 40 C.F.R. § 141.21(g)(2).

VIII.

- 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
- 2. Respondent failed to report to EPA instances of noncompliance detailed in Sections I, II and VI above, in violation of 40 C.F.R. § 141.31(b).

<u>ORDER</u>

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the volatile organic chemicals monitoring requirements as stated in 40 C.F.R. § 141.24 to determine

Alta Community Pipeline, Inc. Page 6 of 11

compliance with the MCL for volatile organic contaminants (VOCs) appearing at 40 C.F.R. § 141.61. As of 2001, EPA determined that Respondent's VOC monitoring requirement shall change from annual sampling to triennial sampling in accordance with 40 C.F.R. § 141.24(f)(6). Respondent's next sampling period for VOC analysis is between January 1, 2005, and December 31, 2007. Respondent shall report analytical results to EPA within the first 10 days following the month which results are received, as required by 40 C.F.R. § 141.31(a).

- 2. Between June 1 and September 30, 2004, and triennially thereafter (between June 1 and September 30, 2007), Respondent shall monitor the water for lead and copper as required by 40 C.F.R. § 141.86. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).
- Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take no fewer than four repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. At least one repeat sample must be taken from each of the following: a) the tap where the original total coliform

Alta Community Pipeline, Inc. Page 7 of 11

positive sample was taken, b) from within five service connections upstream of the original total coliform positive tap, and c) from within five service connections downstream from the original total coliform positive tap. The fourth repeat sample is to be taken anywhere within five service connections upstream or downstream of the original total coliform positive tap. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

- 4. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least five routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
- 5. Upon the effective date of this Order, Respondent shall comply with the total coliform monitoring requirements of 40 C.F.R. § 141.21(a) to perform monthly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the

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monitoring period, as required by 40 C.F.R. § 141.31(a).

No later than 30 days from the effective date of this Order, 6. Respondent shall provide a notice to the public of the violations listed in Sections II, IV and V in the Findings of Violation of this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; AND (2) any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice described above, such as publication in a local newspaper, delivery of multiple copies for distribution by customers that provide their drinking water to others, posting in public places served by the system or on the Internet, or delivery to community organizations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. public water system must repeat the notice every three months as long as the violation or situation persists. the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation.

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Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

- 7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within 10 days after the system discovers the violation.
- 8. Except where a different reporting period is specified in the preceding paragraphs of this section, upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
- 9. Reporting requirements specified in this Order shall be provided by certified mail to:

Melanie Wasco U. S. EPA Region 8 (8ENF-T) 999 18th Street, Suite 300 Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election

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by EPA to forgo any civil or criminal action otherwise authorized under the Act.

- Violation of any term of this Order instituted under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
- Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

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4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 19th day of noumber, 2003.

Michael (T. Risner, Director David J. Janik, Supervisory Attorney Legal Enforcement Program Office of Enforcement, Compliance and Environmental Justice

Diane L. Sipe, Director Technical Enforcement Program

Office of Enforcement, Compliance and Environmental Justice

WHERE TO OBTAIN FUNDING IN WYOMING



Privately-owned drinking water supplies are regulated by the U.S. EPA and the State of

Wyoming when 25 or more persons are served 60 or more days of the year.

At times, there is a need to repair or rehabilitate water supply facilities and equipment to protect public health and to comply with state or federal regulations.

Funding for privately-owned public water supplies is largely limited to direct loans from banks or loans guaranteed by two federal agencies. We offer some detail on the loan guarantee programs in this brochure to assist you in the search for funding to address your drinking water facility and equipment needs.

The Small Business Administration:

The U.S. Small Business Administration (SBA) may be able to help privately owned, for-profit businesses that own and operate water distribution systems. SBA provides financing for these businesses through local lenders utilizing SBA's guaranteed loan program (7a). SBA's portion of the final loan can be as large as \$1 million. This would allow a lender to offer a loan up to \$1.3 million with a 75 percent government guaranty. The SBA also partners with Small Business Development Centers (SBDC). These centers, located around Wyoming, help small businesses with accounting, marketing, cash flow and management issues.

Descriptions of all SBA programs and preferred lenders can be obtained at SBA's website: www.sba.gov

Office location: Casper Phone: 307-261-6500 Email: shawyo@sha.gov SBDC: 800-348-5194

The USDA Rural Development program:

The USDA Rural Development Program may be able to provide you with a loan guarantee up to \$10 million. There is a minimum 10 percent equity requirement. Be prepared to discuss current cash flow, and future cash-flow projections.

Further details are available at the website:
www.rurdev.usda.gov
Office location: Casper

Phone: 307-261-6320

Do you have questions about drinking water regulations? Please call:

USEPA: 1-800-227-8917 x6327

WY DEQ: 307-777-7075

WY Dept of Agriculture: 307-777-6587

WY Dept. of Health: 307-777-7958

WY State Engineer: 307-777-6164

DRINKING WATER NOTICE

Monitoring requirements not met for Total Coliform, and Lead and Copper We violated a drinking water standard. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During the months of May, November and December of 2002, we did not monitor for total coliform; and during June 2001 and March 2002, the 5 required additional samples were not taken; Lead and Copper were not sampled during triennial sample schedule for 1999-2001, and therefore we cannot be sure of the quality of our drinking water during that time.

There is nothing you need to do at this time. The table below lists the contaminant(s) we did not properly test for, how often we are supposed to sample for [it/them] and how many samples we are supposed to take, how many samples we took, when samples should have been taken, and the date on which follow-up samples were (or will be) taken.

Contaminant	Required sampling frequency	Number of samples taken	When all samples should have been taken	When samples were or will be taken		
Total Coliform	Monthly	No samples were taken in 5/02, 11/02 and 12/02	1 sample every month			
Total Coliform routine samples	1 month following total coliform positive sample	5 additional samples were not taken in 6/01 and 3/02	5 additional samples following the month of a total coliform positive routine sample			
Lead and Copper	5 one-liter samples taken for 1999-2001 monitoring period during June through September	Sample taken 12/01	Samples should be taken during months of June, July, August or September	Next sample is to be taken by September 30, 2003		

Steps We Are Taking [Describe corrective as	ction.]			
For more information, contact Lloyd Carr at the Alta Co	ommunity Pipeline .			
	stributed:	 ooially those	e who ma	v not have

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.



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U.S. EPA Small Business Resources

f you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

EPA Website:

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (http:// www.epa.gov/sbo) is a good place to start because it links with many other related websites. Other useful websites include:

EPA's Home Page http://www.epa.gov

Small Business Assistance Programs http://www.epa.gov/ttn/sbap

Compliance Assistance Home Page http://www.epa.gov/oeca/oc

Office of Site Remediation Enforcemen: http://www.epa.gov/oeca/osre

hatlines, Helplines and

Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

BPA's Small business (impropriet (800) 368-5888

Hazardous Waste/Underground Tanks Superiunc (800) 424-9346

National Response Center (to report oil and hazardous substance spills) (800) 424-8802

Toxics Substances and Asbestos Information (202) 554-1404

Safe Drinking Water (800) 426-4791

Stratospheric Ozone and Retrigerants Information

(800) 296-1996

Clean Air Technical Cente (919) 541-0800

(800) 832-7828

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300 DENVER, CO 80202-2466 2005 FEB 28 PM 2: 28

FEB 2 8 2005

Ref: 8-ENF-W

THEO EPA REGION VIII WEARING CLERK

CERTIFIED MAIL 7003-2260-0001-7779-2234 RETURN RECEIPT REQUESTED

Alta Community Pipeline c/o Barrie Christensen, President 350 W. Alta Road Alta, WY 83414

Administrative Order Violation Re: Docket No. SDWA-08-2003-0058 PWS ID #WY5600275

Dear Mr. Christensen:

On November 12, 2003, the U.S. Environmental Protection Agency (EPA) issued an Amended Administrative Order, Docket No. SDWA-08-2003-0058, ordering the Alta Community Pipeline Water System ("the System") compliance with the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seg., and its implementing regulations, the National Primary Drinking Water Regulations (NPDWRs), 40 C.F.R. Part 141.

Our records indicate that the System is in violation of the Administrative Order ("the Order"). The Order requires the System to:

Between June 1 and September 30, 2004, and triennially thereafter (between June 1 and September 30, 2007), 1. Respondent shall monitor the water for lead and copper as required by 40 C.F.R. § 141.86. Respondent shall report results and other information to EPA within the first 10 days following the end of each applicable monitoring period, as required by 40 C.F.R. § 141.90(a).

EPA has not received lead and copper sample results for 2004. If monitoring was completed, send the results to EPA immediately.

40 C.F.R. § 141.21 requires the owner and/or operators of community public water systems to monitor the water at least once per month to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

EPA has not received total coliform sample results for the month of December 2004. If monitoring was completed, send the results to EPA immediately.

3. No later than 30 days from the effective date of the Order, provide notice to the public of the violations detailed in the Order and submit a copy to EPA within 10 days of completion of the public notice as required by 40 C.F.R. §§ 141.201, 141.203, 141.205, and 141.31(d).

EPA has not received a public notice from Respondent for the violations outlined in the Order. If you conducted public notice, please provide a copy to EPA immediately. If you have not yet conducted public notice, do so immediately and provide a copy to EPA.

4. Comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.

The failure to monitor lead and copper violation for 2004 was not reported to EPA.

EPA is considering additional enforcement action as a result of your non-compliance with the Order. Violating an Administrative Order may lead to (1) a penalty of up to \$32,500 per day per violation of the Order, and/or (2) a court injunction ordering you to comply.

If you have any questions or wish to have an informal conference with EPA, you may contact Michelle Marcu, Enforcement Attorney, at (303) 312-6921 or at the following address:

Michelle Marcu, Enforcement Attorney U.S. EPA, Region 8 (8-ENF-L) 999 18th Street, Suite 300 Denver, Colorado 80202-2466

We urge your prompt attention to this matter.

Sincerely,

Likel

Lisa Kahn, Team Leader
Drinking Water Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

cc: (via email)
Larry Robinson, WY DEQ
Dr. David Barber, WDH

Dr. Tracy Murphy,

Dr. Brent Sherard, WDH